82-466

NO____

Office - Supreme Court, U.S.
FILED
AUG 23 1982
ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

****

FRANCES R. CURRY, PETITIONER,

-VS-

STATE BAR OF WISCONSIN:

VICTOR A. MILLER, JAMES J. WILLIAMSON, JAMES H. PLIER, LEONARD V. BRADY, WERNER J. SCHAEFFER, ROBERT P. HARLAND, MARJORIE KINNEY, MARY BOWMAN, AND COURTLAND A. SPERGER, SR., INDIVIDUALLY AND AS THE BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY OF THE STATE BAR OF WISCONSIN,

RESPONDENTS,

****

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

****

Frances R. Curry

FRANCES R. CURRY
918-A WEST NASH STREET
MILWAUKEE, WISCONSIN 53206
PHONE (414) 372-8372

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

CASE NO_____

****

FRANCES R. CURRY, PETITIONER,

-V-

STATE BAR OF WISCONSIN:
VICTOR A. MILLER, JAMES J. WILLIAMSON, JAMES H. PLIER, WERNER J. SCHAEFFER, LEONARD V. BRADY, ROBERT P. HARLAND, MARJORIE KINNEY, MARY BOWMAN, AND COURTLAND A. SPERGER, SR., INDIVIDUALLY AND AS THE STATE BAR OF WISCONSIN, RESPONDENTS,

****

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT Frances R Curry

****

To the Honorable, Chief Justice and the Associate Justices of The Supreme Court OF THE UNITED SATAES. Frances R. Curry the petitioner herein, pray that a writ of certiorari ISSUE to review the judgment and final opinin of The U.S. Court Of Appeals For The Seventh Circuit of Illinois in the the above entitled case of May 24, 1982.

QUESTIONS PRESENTED

1. Why wasn't petitioner given a hearing? Wasn't petitioner entitled to a fair trial on the legal issues involved?
2. How could anyone be so cruel? Are we in RUSSIA? Why did petitioner have to send in fifteen "NEW BRIEFS", WHEN THE respondents didnot send in one brief?
I am presented as a CROOK?
3. Didn't this court out outlaw these kind of SCHEMES?
Wasn't we used as pawns? Did those lower courts intend to give petitioner a fair trial? OR HEARING? WHY NOT?
4. Aren't the lower courts aiding and abetting respondents in their CRIMINAL ACTIVITY? Aren't they bound by the federal laws to pay federal taxes on the stolen millions of dollars they stole from petitioner and her family? Should petitioner be responsible to the U.S. INTELLIGENCE DIV., FOR THESE PEOPLES CRIMES?
5. Why did the courts violate their own rules? Don't those rules apply to them as well as to petitioner?
How can anyone give judgment to respondents when, in reality, respondents did not file one piece of evidence those courts?

(continued from page 2)

Did the lower courts deny petitioner her civil rights? Why wasn't petitioner given a hearing? Are the courts in COLLUSION WITH RESPONDENTS? DIDN'T THEY VIOLATE THE ANTI-CRIME RACKETEERING LAWS? WHY DIDN'T THE COURTS OBEY THE RULES?

TABLE OF CONTENTS

INTRODUCTION.....1

QUESTIONS PRESENTED.....2-3

TABLE OF AUTHORITIES.....4-5

OPINIONS BELOW.....6-7

JURISDICTION.....8-10.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED.....10-11

A.....STATEMENT OF THE CASE-12-14

A.....STATEMENT OF THE FACTS..15

REASONS FOR GRANTING THIS WRIT.....16-18

CONCLUSION..... 19-20

TABLE OF AUTHORITIES

CAMBELL V. GADSDEN COUNTY DIST. SCHOOL BD. (U.S. CT. OF APPEALS, FLA., (1976)....650

HACKETT V. PRES. OF CITY COUNCIL OF PA., U.S. CT. OF APPEALS, 3RD CIR., D.C. (1969) F. SUPP. 410, F. 2D.....761

HANRAHAN V. HAMPTON, 100 U.S. SUPREME CT. (1987), 64, L. 2D.....214

KOELFGEN V. JACKSON, D.C. (1972), MINN. 355, F. SUPP. 243, AFFIRMED, 93, U.S. S. Court, 1502, 410, U.S. (1976) L. Sd...173

LYNCH V. HOUSEHOLD FINANCE CORP., CONN., (1972), U.S. S. CT., 113, 405, 538, 31, L. ED., 2D.....424

MESCAL V. SHAPIRO, U.S. COURT OF APPEALS 2D. CIR. OF CONN., C. A. (1969) 416, F. SUPP.....246

MESCAL V. BURRUS, U.S. CT. OF APPEALS FOR THE SEVENTH CIRCUIT OF ILLINOIS, (1979), 603, F. 2D.....1266

UNITED STATES V. EISENBERG 98, U.S. S. CT., 2850, 436, U.S. 946, 66, L. ED. (1977), 788

WISCONSIN STATUTES

SECTION 757.29 (1) The attorney is required on being admitted to practice to take an oath by which, among other things, he promises not to delay any person's cause for lucre or malice.

(continued from page 6)

He may be disciplined for the oath. He is required to represent his clients competely and he may not neglect a legal matter entrusted to him. CANON SIX (6) OF THE ATTORNEYS CODE OF PROFESSIONAL RESPONS BILITY.

CONSTITUTIONAL PROVISIONS:
U.S. C. FOURTH. THIRTEENTH. AND FOURTEENTH AMENDMENTS TO THE U.S.C.

WISCONSIN CONSTITUTION: ARTICLE I. SEC. I
WISCONSIN STATUTES:
QUALIFICATIONS OF A JUDGE (1977). ATTORNEYS NOT TO HAVE OFFICE WITH JUDGE. (1977).
MISCELLANEOUS:
ANTHONY G. AMSTERDAM: PERSPECTIVES ON THE FOURTH AMENDMENT. 50 MINN. L. REV. 349. 383-85-88, 393-94, (1974).

OPINIONS BELOW

The original opinion of the U.S. Supreme denied petitioners to file in forma pauperis is reported as FRANCES R. CURRY, ET AL., V. SATE BAR OF WIS., ET &L., 80-6577 (Washington, 1981).

The original order of U.S. Dist. Court For The Eastern Dist. Of Wisconsin dismissed petitioners complaint is reported as FRANCES R. CURRY, ET AL., V. STATE BAR OF WIS., ET AL., 80-C-802 (Wis. 1981).

Original Judgment of the U.S.Dist. Court and costs is reported as Frances R. Curry, et al., V. State Bar Of Wis.,et al., 81-C-802 (Wis. 1981).

The Original Opinion of the U.S. Court Of Appeals For the 7th Cir., Denied petitioners motion not to strike is reported as Frances R. Curry, et al., V. State Bar Of Wis.,et al., 81-2748 (Ill. 1981).

The original opinion of the U.S.Court of Appeals ordered petitiones to file fitteen (15) NEW BRIEFS is reported as Frances R. Curry, et al., V. State Bar Of Wis., et al, 81-2748 (Illinois, 1981).

(opinions below continued)

The original opinion of the U.S Court of appeals For the Seventh Cir., ORDERED respondents to "SHOW CAUSE" Is reported as Frances R. Curry, et al., V. State Bar of Wis. et al., 81-2748 (Illinois 1982)

The original opinion of the U.S. Court of Appeals for the Seventh Cir., dismissed petitioners complaint is reported as Frances R. Curry, et al., V. State Bar of Wis., et al., 81-2743 (Illinois, 1982).

The original opinion of the U.S. Court of Appeals For the Seventh Cir., stating that defendants didnot file a bill of costs, is is reported as Frances R. Curry, et al. V. State Bar Of Wis. et al., 81-2748 (Ill. 1982).

JURISDICTION

Petitioner is seeking redress in this court to set aside the order and judgment of the U.S. Court Of Appeals For The Seventh Cir. Of Illinois, that was entered May 24, 1982.

Petitioner did not receive a hearing or a trial on the issues involved in the complaint.

The Jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1257 (3), conferring upon this court the power to REVIEW the final judgment and opinion of the lower courts.

The lower courts have abused their discretion, U.S. V. CORRICK, 208. U.S. 435. (1936). MAYO V. LAKELAND HIGHLANDS CANNING CO., 309. U.S. (1940). ARISTOCRAT HEALTH CLUB OF HARTFORD, INC., V. CHAUNCER, D.C. Conn., (1978). 451. F. SUPP. 210. original Jurisdiction:

UNDER ARTICLE III, SECTION II OF THE U.S. CONSTITUTION, THE UNITED STATES SUPREME COURT HAS ORIGINAL JURISDICTION IN ALL CASES AFFECTING AMBASSADORS, OTHER PUBLIC MINISTERS AND

To-wit: Appeal, (where jurisdiction is mandatory) and certiorari (where it is within the court's discretion). Review of State court judgments under 28 U.S. C.Sec. 1257: A party may file a petition for certiorari if the State court has upheld a federal statute or Treaty, held a state statute unconstitutional or contrary to federal statutes or treaty or decided any claim asserted under the U.S. C., federal statutes or treaty.

As to judical review, MARTIN V. HUNTERS LESSEE (1816). 14 U.S. (1 wheat) 304. established the power to review STATE Court decisions to find state action unconstitutional, HENRY V. MISS.. (1965), 379. U.S. 443.

STATUTES INVOLVED

WISCONSIN CONSTITUTION: ARTICLE I. SEC.I. RIGHTS AND GOVERNED:

"Equality inherent rights, all men are born equally, free and independent, and certain inherent rights; among these are life, liberty and pursuit of happiness: To secure these rights governments are instituted among men deriving their just power from the governed .FOURTH AMENDMENT TO U.S.C.

(continued from page 9)

and under such regulations as the congress shall make. Congress has provided two (2) methods for invoking Supreme Court appellate jurisdiction. (where it is within the Court's discretion). Review of State State Court judgments under 28 U.S.C. SEC. 1257:

To-Wit: Appeal, (where jurisdiction is mandatory) and Certiorari (where it is within the court's discretion).

A party may file a petition for certiorari if the State Court has upheld a federal statute or treaty or decided any claim asserted under the U.S.C. , Federal statues or treaty.

As to judical review, MARTIN V. HUNTER'S LESSEE (1816), 14 U.S. (wheat) 304, established the power to review State Court decisions to find STATE ACTION UNCONSTITUTIONAL. HENRY V. MISSISSIPPI. (1965). 375 U.S. , 445.

STATUTORY AND OTHER PROVISIONS INVOLVED

WISCONSIN CONSTITUTION. ART.. I. SEC. I RIGHTS AND GOVERNED:

"Equality inherent rights, all menare born equally, free and indepeneant, and certain inherent rights; among these are life,

(continued from page 10)

Liberty, and pursuit of Happiness: To secure these rights are instituted among men deriving their just power from the governed."

FOURTH AMENDMENT, U.S. CONSTITUTION:

"The right of the people to be secure in their persons, houses, papers, and effects shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched."

FOURTEENTH AMENDMENT, U.S. CONSTITUTION:

Sec. I, all persons born or naturalized in the U.S. and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. NO STATE Shall make or enforce any law which shall abridge the priveleges or immunities of citizens of the United States nor shall ANY STATE DEPRIVE ANY PERSON OF LIFE, OR PROSPERITY WITHOUT DUE PROCESS OF LAW; nor any person within its jurisdiction THE EQUAL PROTECTION OF THE LAWS.

STATEMENT OF THE CASE

Frances R. Curry, totally and permanently disabled as a direct result of an automobile accident. One accident petitioner suffered permanently injuries. Petitioners filed two grievances with respondents.

Neither one of those were ever investigated by respondents. One grievance was filed with Victor A. Miller, January 14, 1980. I was promised that my grievances would be processed. These respondents never considered the rules of the Wis. Supreme Court. See exhibit 34-39, petitioners brief.

Petitioner was not given a chance at the so called hearings to defend herself. I was denied my due process of law. Petitioner began legal action in U.S. Dist. Court to make known to these respondents that my civil and personal liberties had been taken from me, illegally. Petitioner is seeking damages under 42 U.S.C. 1983. 28 U.S.C. .343 (3) U.S. 1332 (a) DUE PROCESS OF LAW: HENRY V. MISS. (1965). 379. U.S. 443. FOURTH. THIRTEENTH AND FOURTEENTH AMENDMENTS TO THE U.S.C.

SECTION I, SAYS:

(continued from page 11)

"All persons born or naturalized in the U. S. and subject to the jurisdiction thereof, are citizens of the U.S. and of the state wherein they reside. No state shall make or enforce any law which shall abridge the priveleges or immunities of citizens of the U.S; nor shall any state DEPRIVE any person of life, liberty or property, WITHOUT DUE PROCESS OF LAW".

Respondents only OFFERED AND FILED MOTIONS. THEY HAVEN'T INTRODUCED ANY REAL EVIDENCE TO RECEIVE JUDGMENTS. The lower courts just favored respondents and violated our rights.

Petitioners can collect damages under CIVIL RIGHTS LAWS: CAREY VS. PIPKIN, L.W. 4224 (March 21, 1978).

MORALES VS. HAINES, 486, L. 2D. 880-882, SEVENTH CIR. 1973, PAGE 12, (1983-ACTION). The lower courts seemed to think we could have filed a lawsuit againt our first attorneys after the statutes of limitations had expired. Petitioners has been deprived of all of their rights.

CONDUCT OF RESPONDENTS

These are some of the laws that govern the conduct of respondents given by the Wis. Supreme Court of Wisconsin exhibit 12-21 in our BRIEF. Respondents doesn't believe they have to obey the laws .

Grievance Means: ALLEGED PROFESSIONAL MISCONDUCT OF AN ATTORNEY". Petitioners could have sued respondents under the 1871 LAWS AS AMENDED BY THIS COURT. This court stated in June, 1981, that a Citizen doesn"t have to wait until the state acts on their complaints before a citizen can file a law suit in federal court if he feels his right has been infringed upon.

WHAT A GREAT VICTORY . WE WILL GIVE THIS A GREATER LOOK. WE THANK THIS COURT FOR THIS OPPORTUNITY TO PRESENT OUR COMPLAINT, THE BEST WE KNOW HOW. THANK YOU.

Respectfully Submitted,

Frances R. Terry

B. STATEMENT OF THE FACTS

The facts as found by the United States Court of Appeals For The Seventh Circuit (81-2748) are as Follows:

It appears to the Court that the appellant's brief was filed on January 18, 1982, and that the appellee's has (have) failed to file a brief. No motion has been made pursuant to Circuit Rule(a).

IT IS ORDERED that the appellee(s) respond within fourteen (14) days of the date of this order as to why this appeal should not be submitted to the Court for decision without the filing of a brief by the appellee(s), and without oral argument by the appellee's, pursuant to Circuit Rule 8(C).

REASONS FOR GRANTING THIS WRIT

The U.S.C., as well as the Wisconsin constitution has been aware of the rights its citizens through the fourth, thirteenth and fourteenth Amendments To The U.S.C.

These respondents don't see the laws as a protection for petitioners. The fourth amendment adheres to DUE PROCESSES. Petitioners were given the order to file new briefs because the Appeals Court claimed we had libeled respondents.

That's not true. The lower courts still decideded petitioners were wrong even after we filed fifteen new briefs. The court stated that respondents had violated the law, a letter came from the court accusing us more violations of federal rules.

Petitioners were never given a hearing and we are bound by court order to pay the respondents legal fees. What legal fees? THEY ONLY FILED MOTIONS IN COURT". OUR CASES ARE WORTH MORE THAN THREE MILLION DOLLARS. THEY CLAIMED THIS COURT STATED OUR CLAIMS DIDNOT NO MERITS. THIS COURT ONLY DENIED US TO FILE UNDER FORMA PAUPERIS. The respondents must think this court is suppose to be all mixed up like them. NOT SO.

The respondents never did file any briefs as ordered by the lower court. Respondents were ordered to file briefs before January

KATZ V. U.S., (1967), 389, U.S. 347, 88 U.S. SUPREME COURT, 507, 19, L. ED.2D. 576. PEOPLE V. TRIGGS, 506, P. 2D. 232, (U.S. Ct. OF CALIF. 1973). KROEHLER V. SCOTT, 391, F. SUPP. 1114, U.S. DIST. CT., E.D. PENN., 1975 STATE EX. REL MEMMEL V. MUNDY, (1977), 249, N.W. 2D. 75, WIS., (1970), 318, F. SUPP. 591 CANNON V.UUNIVERSITY OF CHICAGO, 559, F. 2D 948. HOLIDAY V. ROBERTS, D.C. MISS. (1977) TITLE 42, 425, SUPP, 61, 28 U.S.C. 1915 (2) Dist. Courts shall have original jurisdictionof any action authorized by law to be commenced by any person,(3) To REDRESS the deprivation, under color of any state law, statute, ordinance, regulation, custom, or usage or any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the U.S. 42 U.S. C. Every person who, under color of any statute, ordinance, regulation, custom, or any Territory, subjects, or cause to be subjected,any citizen of the U.S. or other person within the jurisdiction thereof to the deprivation of any rights, priveleges,or immunities secured by the Constitution and laws, shall be liable to the injured party in an action at law, suit, or equity, or other proper proceedings."

for redress. 28 U.S.C. 1332 (a), (3). Respondents and others have violated our civil rights repeatedly. Respondents dnn't realize they are bound by these laws:

" MISCONDUCT IS CONDUCT THAT VIOLATES;(a) A STATUTE, COURT RULE, OR Court order regulating the conduct of attorneys and a statute. Section 256.29. (2) Stat. (c). Attorneys oath. (d). The code of professional Responsibility as adopted by the Wis. Supreme Ct., (e) MATTER OF EISENBERG 1977 269, N.W. 2D. 745, 81, Wis. 2D. 175 Certirari denied. 98 U.S. Supreme Court, 2850 , 436, U.S. 946, 66 L.Ed. Disciplinary Action by state bar for false swearing, false income tax return.

The statutes of limitations have expired for petitioners to bring any action against our first lawyer. That was respondents job. Those federal judges knew that. It would be a federal crime for us to be of any help to these respondents. The ANTI-RACKETEERING LAWS AS AMENDED BY THIS COURT WOULD SEND ME TO PRISON. JUST LIKE IT IS GOING TO DO THESE RESPONDENTS. This Court OUT LAWED THESE SCHEMES LIKE THIS.

Petitioners were bound by federal laws to let them know of the stolen money by our former attorney and respondents.

CONCLUSION

The findings of the lower courts are without any merits, according to the evidence presented to this court. My legal rights are not even considered in the decisions of the lower courts. This court will notice that, the respondents didnot file for court costs and legal fees.

The scheme that was used by these respondents and the lower courts are disgraceful to say the least. The schemes have been outlawed by this court, ANTI-RACKETEERING ACT.

The respondents violated the laws, and the courts did not consider the errors.

There is no way any attorney will ever get involved in all those schemes. The Statutes of limitations had expired for us to hire attorneys.

We are citizens of this great country, and no one is going to take our rights from us without a FIGHT. Petitioner asks this court to set aside the lower courts decisions and give judgment to petitioner. My rights are protected under U.S.C., Fourth, thirteenth, and Fourteenth amendments to the U.S.C.

Dated this____day at Milwaukee, Wis. September, 1982.

(continued from page 19)

Respectfully Submitted,

Frances R. Curry

FRANCES R. CURRY, PETITIONER,

918-A WEST NASH STREET

MILWAUKEE, WISCONSIN 53206

PHONE (414) 372-8372

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that I have furnished the requisite number of copies of the foregoing petition For Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit to Leroy L. Dalton, Assistant Attorney Gen. Wisconsin Department Of Justice, P.O. Box 7857, Madison, Wisconsin 53707, by first Class Mail, this 10th day of September, 1982.

Frances R. Curry

FRANCES R. CURRY, PETITIONER

TABLE OF CONTENTS

APPENDIX PAGES

Opinion at 81-C-802, Order and dismissal of complaints, September 30, 1981...APP.3-9

Opinion at 81-C-802 ...APP.....10-11
U.S.Dist. Ct.For The Eastern Dist. Of Wis., October 2, 1981

Opinion at 81-2748.....APP.....12-14
Dismissal and oreder for fifteen new briefs.to be filed by petitioners Dec.23, 1981.

Opinion at 81-2748.....APP.....15-16
U.S. Ct. Of Appeals ordered all first briefs sent back to petitioner, Dec. 23, 1981

Opinion at 81-2748.....APP.....17-18
Respondents ordered to file BRIEFS. and to show cause. April 8, 1982..

Opinion at 81-2748 .....APP.....19-21
Case Dismissed, U.S.Ct.Of Appeals For The 7th Cir., May 24, 1982.

Opinion at 81-2748.....APP.....22
Respondents did not apply for costs or award. August 16, 1982.

(continued from page one) PAGES

Opinion at 81-2748.....APP.....23
Petitioners filed for Default judgment in the U.S. Ct. Of Appeals, April 2, 1982.

Opinion at 81-2748.....APP.....24-25
Respondents refused to file briefs, as ordered by the Court, April 13, 1982.

Opinion at 80-6577.....APP.....26.

THE U.S. S. CT. Denied Petitioners permission to file under forma pauperis, June 15, 1982.

Opinion of Victor A. Miller, Chrm. Board of Attorneys Professional Responsibility, assured petitioners grievances would be processed, January 14, 1980....APP....27-28

Opinion of Richard Cayo, Board of Attorney Professional Responsibility, stating our grievances would be investigated, Jan. 18, 1980.....APP.....29-31

Opinion of Cayo, Dismissed petitioners grievances, March 25, 1980. App..32-33

Opinion at 467-023.....APP..34-46
Petitioners action was dismissed. They knew nothing about, June 7, 1979.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

FRANCES R. CURRY, ET AL.,

PLAINTIFF,

V. 81-C-802

STATE BAR OF WISCONSIN, ET AL.,

DEFENDANTS.

DECISION and ORDER

This action is brought under 42 U.S.C. 1983. The plaintiff alleges that the defendants failed to perform their duties to investigate allegations made by Frances Curry against an attorney who represented her in another action. The plaintiffs allege: "Defendants have continued to refuse to prosecute grievances filed with Board on or about January 8, 1980." They also allege "Defendants filed "Cease and Decist Orders" against the plaintiff, illegally."Complaint filed July 8, 1981, 4. The defendants move to dismiss, for attorney's fees, and for an injunction against the plaintiffs.

The complaint in this action is identical to the complaint filed in an earlier case, Curry V. State Bar Of Wisconsin, 80-C-492 (E.D. Wis., filed June 2, 1980). In fact, the complaint filed in this action bears the docketing number and filing stamps of that earlier case. In No. 80-C-492, The plaintiffs sought leave to proceed in forma pauperis.

Judge Robert W. Warren denied that request.

"United States district courts have limited subject matter jurisdiction. A plaintiff must demostrate that such jurisdiction exists. Although the plaintiff relies upon diversity of citizenship as a jurisdictional foundation, quite clearly the parties are not of diverse citizenship and, therefore, jurisdiction does not exist on that basis. plaintiff also cites, however, 28 U.S.C.1343 (3) which gives the court jurisdiction if the complaint states a cause of action for a violation of constitutional rights under 42-U.S.C. 1983. The proposed complaint does not state a cause of action over which this ct. would have jurisdiction and, therefore, leave to proceed in forma pauperis is denied.

****

In the instant case, the petitioner appears to attack the Board's decision that his complaint is groundless.

Such a determination however, is not subject to review by this court. The federal Courts have no authority to intervene in the disciplining of attorneys by the State Licensing authority. In addition, the collateral consequences of the Board's decision in this case does not create a situation in which the petitioner's constitutional rights are impinged.

The refusal of an attorney to take her case does not infringe on any constitutional rights of petitioner. There is no constitutional right to an attorney in civil cases and each attorney has the discretion to accept or reject any case offered to him.

Finally, the petitioner has presented to this court no evidence that the Board is doing anything to prevent petitioner from obtaining counsel. Therefore, the court finds that the petitioner's proposed complain is frivolous". Id., slip op.at 2-3 (filed June 27, 1980); Accord. Jesse Singleton V. State Bar Of Wis., No.80-C-482 (E.D. Wis. filed July 9, 1980); Miller V. State Bar of Wis., No. 80-C-521 (E.D. Wis.,

Filed June 20, 1980); Garlin Singleton, V. State Bar of Wis., No. 80-C-483(E.D. Wis., June 6, 1980). In an instant order dated July 25, 1980, judge Warren denied plaintiffs leave to proceed in forma pauperis.

Frances Curry, V. State Bar, No. 80-C-492 Supra. The plaintiffs then appealed. The court of appeals for this Cir. acting pursuant to Rule 2, Federal Rules of Appellate procedure, reviewed the action on the merits and concluded that it was frivolous.

Id., No. 80-2055 (7th Cir. filed February 6, 1981), Clarified, No. 80-2055 filed March 20, 1980). The plaintiff's petition for a writ of certiorari was denied by this court. Id.,_____U.S._____No. 80-6577, 49, U.S.L.W. 3931(filed June 15, 1981). I find nothing in this repetive complaint that sets out any violation of a constitutional right The motion to dismiss will be granted. See Jesse Singleton V. State Bar of Wis., No. 81-C-1981 (E.D. Wis., filed September 30, 1981);

Garlin Singleton V. State Bar Of Wis., No. 81-C-712(E.D. Wis.,

(continued from page 6)

Filed September 20, 1981); Miller V. State Bar of Wis., No. 80-C-1091(E.D. Wis. June 6, 1980). State Bar Of Wis., No. 80-C-1091 (E.D. Filed September 25, 1981); Burns V. State Bar Of Wis., No. 80-C-780 (E.D. Wis. filed September 22, 1981).

The defendants also move for an award of costs and attorney's fees, pursuant to 42 U.S.C. 1988. Under such a section a defendant may recover attorney's fees upon a finding that the plaintiff's action was frivolous, unreasonable, or without foundation, even though not brought in subjective bad faith."

Christianburg Garment Co., Vs. Equal Employment Opportunity Comm'n 434, U.S. 412, 421 (1978). I am mindful of the concerns expressed by Judge Terence Evans in Burns V. State Bar, Supra, But I am satisfied that this case is approiate for an award of attorneys' fees.

The plaintiffs at bar have done nothing more than refile an action which they pursued with no success through every level of the federal courts.

The Christanburg language is an accurate description of this lawsuit, Accordingly, I will award costs to the defendant's and the award costs shall include attorneys fees in the amount of $250. The defendant also move for an injunction pursuant to 28 U.S.C. 1651, to prevent the plaintiffs from once again pursuing this action.

I am not persuaded that the defendants have met the burden to justify this extreme form of relief. There has not yet been a large number of cases brought solely for vexatious purposes appropriate here See Garlin Singleton V. State Bar, No. 81-C-712, and the cases cited therein. Accordingly, the motion for injunctive relief will be denied. Therefore, IT IS ORdered that the defendants' motion to dismiss and for injunctive relief be and hereby is granted in part and denied in part. IT IS ALSO ORDERED that the defendants' motion be and hereby is granted in

(continued from page 8)

insofar it seeks to dismiss and seek an award of costs and attorney's fees.

IT IS FURTHER ORDERED that the defendants be and hereby are awarded costs, and the award of costs, and the award of costs shall include attorney's fees in the amount of $250.

IT IS FURTHER ORDERED that the defendants' motion be and hereby is denied in all other respects.

IT IS FURTHER ORDERED that this action be and is hereby is dismissed.

Dated at Milwaukee, Wisconsin, this 30 day of September, 1981.

Myron L. Gordon
U.S. District Judge

JUDGMENT ON DECISION BY THE COURT

UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF WISCONSIN

FRANCES R. CURRY, ET AL.,	CIVIL ACTION
PLAINTIFFS,	FILE NO. 81-C-
VS.	802
STATE BAR OF WIS., et Al.,	JUDGMENT
DEFENDANTS.	

This action came on for consideration before the Court, Hon. Myron L. Gordon, U.S. District Judge, presiding, and the issues having been duly and a decision having been duly rendered,

It is ordered and adjudged that defendants' motion be and hereby is granted insofar as it seeks to dismiss this action and seek an award of costs and attorney's fees.

It is ALSO ORDERED that the defendants be and hereby are awarded costs, such costs to include an award of attorney's fees in the amount of $250. It IS Further ORDERED that this action be and hereby is dismissed.

(continued from page 10)

Dated at Milwaukee, Wisconsin ,This 2nd day of October , 1981.

SOFRON B. NEDILSKY
Clerk of Court

BOBBIE PATTERSON
DEPUTY CLERK

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, CHICAGO, ILLINOIS 60604

DECEMBER 23, 1981

BEFORE

Hon. WALTER J. CUMMINS, Circuit Judge

Hon._____

Hon._____

Garlin Singleton, Jr., Reverand Jesse Lee Singleton, Jr., FRANCIS R. CURRY and GEORGE TAYLOR, plaintiffs-Appellants, Nos. 81-2723, 81-2724, and 81-2748 VS.	Appeals from the U. S. Dist. Court For the Eastern Dist. of Wis., Nos. 81-C-712, 81-C-781 and 81-C-802 Judge Myron L. Gordon.
STATE BAR OF WIS., et al., Defendants-Appellees.	

ORDER

This matter comes before the court for its consideration upon the "MOTION TO DISMISS AND MOTION TO STRIKE" filed herein on

December 18, 1981, by counsel for the defendants-appellees. On consideration thereo,, IT IS ORDERED that these appeals are consolidated for the purposes of briefing and disposition. It IS FURTHER ORDERED that said motion is hereby GRANTED to the extent that the brief filed in No. 81-2748 is stricken as vile and abusive. The court notes that briefs in Nos. 81-2723 and 81-2724 have not been filed. The following briefing schedule shall be adopted:

1. The brief of plaintiffs-appellants shall be due on or before January 20, 1982.

Since these appeals have been consolidated, only fifteen copies need be filed. Plaintiffs-appellants, who are not now proceeding in forma pauperis, are admonished to submit briefs in conformity with Fed. R. App. P. 32 and the Circuit Rules. The court directs plaintiffs to consider addressing these issues on appeal:

APPEAL Nos. 81-2723, 81-2724, and 81-2748

(a) Whether the district court correctly determined that their complaint failed to state a violation of constitutional law;

(continued from page).

and (b) whether the district court correctly awarded attorneys' fee against plaintiffs.

2. The brief of defendants-appellees shall be due on or before February 22, 1982.

3. The reply brief of the plaintiffs-appelants, if any, shall be due on or before March 8, 1982.

Plaintiffs are expressly admonished to present in their brief only legal arguments, and factual materials presented to the district court. Scandlous material will be stricken. Plaintiffs are invited to consider the sanctions for frivolous and vexatious conduct specified in Fed. R. App. P. 38.

United States Court Of Appeals
For The Seventh Circuit
219 S. Dearborn St.
Chicago, Illinois 60604

Thomas F.Strubbe,clerk
312-435-5850.

Dear Madam or Sir:

The enclosed document is being returned to your office for the following reason(s)

Document received after due date.
xxxx Document lacks a certificate of service.
Document received is illegible.
Document lacks required affidavit.
xxxx insufficient number of copies of document tendered.
Record withdrawn from clerk's office not returned.
C.R. 11 Additional authority is argument tative.
Brief, petition for rehearing or answer to petition for rehearing lacks a table of contents. Brief, petition for rehearing or answer to petition for rehearing exceeds page limitation.
Appellant's brief lacks required short appendix.
Motion to affirm w/o oral argument and

(continued from page 15)

proposed order not filed simultaneously with appellee's brief.
Special leave of court is required to file document.
Motion was denyed.

If the due date of the returned document has passed at the time you resubmit the corrected document, a motion for leave to file the document instanter is required.

Inquiries regarding Seventh Circuit Court of Appeals' filing procedures may be made to the clerk's office:

Commercial No. -312-435-5850
F. T. S. No. - 387-5850

Thank You,
Charles R. Rea,
Deputy Clerk

* Note, 15 copies of a brief are required per FRAP and Circuit Rules, and per Courts order of 23 December, 1981. Please return this letter along with the corrected document.

(Another 15 BRIEFS ORDERED FILED BY FEDERAL JUDGE WALTER J. CUMMINGS. CERTIFICATE OF SERVICE WAS IN FIRST 15 BRIEF).

RULE TO SHOW CAUSE

APPELLEE

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

CHICAGO, ILLINOIS 60604 15

April 8 1982

By the Court:

No. 81-2748

FRANCIS R. CURRY and GEORGE TAYLOR,
Plaintiffs-Appellants,
State Bar Of Wisconsin, et al.,
Defendants-Appellees.

Appeal from the U.S. District Ct. for the Eastern Dist. Of Wis. No. 81-C 802.
Myron L.Gordon, judge.

It appears to the Court that the appelant's brief was filed on-- January 18, 1982, that the appellees brief was due to be file filed on or before FEBRUARY 22, 1982, and that the appellee(s) has (have) failed to file a brief. No motion for an extension of time within which to file appellee(s) brief has been made pursuant to Circuit Rule 8(a).

It IS ORDERED that the appellee(s) re-

(continued from page 17)

spond within fourteen days of the date of this order as to why this appeal should not be submitted to the Court for decision without the filing of a brief by the appellee(s) and without oral argument by the appellee(s), pursuant to Circuit Rule 8-(c).

(Respondent did not file BRIEFS ON TIME AS ORDERED BY THIS COURT. PETITIONERS ASKED FOR DEFAULT JUDGMENT)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, CHICAGO, ILLINOIS 60604

May 24, 1982

Before

Hon. WALTER J. CUMMINGS, CHIEF Judge
Hon. WILBUR F. PELL, JR., Circuit Judge
Hon. RICHARD D. CUDAHY, Circuit Judge

No. 81-2723 GARLIN SINGLETON, JR., Plaintiffs-Appellants, VS. STATE BAR OF WIS., ET AL., Defendents-Appellees.	Appeal From U.S. Dist. Ct. For The Eastern Dist. Of Wisconsin. No. 81-C-712 Myron L. Gordon, Judge

****

No. 81-2724 REVERAND JESSE LEE SINGLETON, SR., ET A., Plaintiffs-Appellants, V. STATE BAR OF WIS., et al., Defendants-Appellees.	Appeal from U.States Dist. Court For The Eastern Dist Of Wis., NO. *1-C-781 Myron L. Gordon, Judge.

No. 81-2748 APPEAL FROM THE U.-

(continued from page)

FRANCIS R. CURRY and GEORGE TAYLOR, Plaintiffs-Appellants,	S. Dist. Court for the Eastern Dist. of Wis.,
vs.	
STATE BAR OF WIS, et al, et al., Defendants-Appellees.	No. 81-C-802
	Myron L. Gordon, Judge

On December 23, 1981, this court directed the plaintiffs-appellants to consider addressing the following issues in their Briefs in these consolidated appeals: whether the district Court correctly determined that their complaint failed to state a violation of constitutional law; and, whether the District Court correctly awarded attorneys' fees against plaintiffs-appelants.

In their brief, plaintiffs have suggested no legally acceptable basis for disturbing the trial court's decision dismissing the plaintiffs' cases for failure to state a constitutional violation. They also have failed to present any reasons why the dist. Court was wrong in awarding attorneys' fees of $250.00 to the state for its defense of this frivolous and repetitive lawsuit.

(continued from page 20)

Nos. 81-2723, 81-2724, and 81-2748

For these reasons, the District Court's Order dismissing the lawsuits and awarding attorneys' fees are hereby AFFIRMED.

The "Rules To Show Cause" entered on March 16, 1982 in Appeal Nos. 81-2723 and 81-2724 and 81-2748 and April 8, 1982 in Appeal Nos. 81-2748 are hereby DISCHARGED.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, CHICAGO, ILL. 60604

August 16, 1982

By The Court:

FRANCIS R. CURRY AND GEORGE TAYLOR, PLAINTIFFS-Appellants, Vs. STATE BAR OF WIS., ET AL., DEFENDANTS-APPELLEES,	Appeal from U. S. DIST. Court For The Eastern District Of Wis., No. 81-C-802

Myron L. Gordon, Judge

****

This matter comes before the court for its consideration upon "Opposition TO BILL OF COSTS" FILED HEREIN on June 24, 1982 by pro se plaintiff-appellant Francis R. Curry. Defendant did not apply for costs in this appeal, nor were costs awarded.

The Clerk shall file said Opposition without action.

918-A W. Nash Street
April 2, 1982, Apt. A.
Milwaukee, Wis. 53206

Mr. Thomas F. Strubbe, Clerk,
U.S.Court Of Appeals For The
Seventh Circuit, 219 S. Dearborn
St., Chicago, Ill. 60604
Dear Mr. Strubbe:

FRANCES R. CURRY AND GEORGE TAYLOR VS. State Bar Of Wis., ET AL, CASE NO.81-2748. The Honorable Walter J. Cummings, Cir., Judge issued and order on December 23, 1981 in that order, the defendants were to file REPLY BRIEFS NO LATER THAN ABOUT FEBRUARY 20, 1982. AS OF THIS DATE NO BRIEF HAS BEEN FILED BY DEFENDANTS. WE ARE ASKING JUDGMENT. THE STATUTE OF LIMITATIONS HAS EXPIRED FOR DEFENDANTS TO HONOR THE COURTS ORDER OF DECEMBER 23, 1981.

please notice my new address.
ATTN: LEROY L. DALTON, FRANCES R. CURRY.
ASST. ATTORNEY GENERAL, DEPT.
OF JUSTICE, ROOM 114 EAST, MADISON, WIS.
53702. THREE COPIES SENT TO COUNSEL FOR
DEFENDANTS.

THE STATE OF WISCONSIN DEPARTMENT OF JUSTICE

April 13, 1982

LeRoy L. Dalton
Asst. Attorney Gen.,
(608) 266-3863
123 W. Washington Ave.,
Mailing Address:
P.O. Box 7857,
Madison, Wis. 53707-7857

Bronson LaFollette, Wis. Atty., Gen., F. Joseph Sensenbrenner, Deputy Atty. Gen.,

Mr. Thomas F. Strubbe, Clerk,
United States Court Of Appeals
For The Seventh Circuit
Chicago, Ill. 60604

RE: Francis R. Curry, V. State Bar Of Wis., et al. Case No. 80-2055

Dear Mr. Strubbe:

The court's rule to show cause dated April 8, 1982, was received upon my return from vacation this date. In examining the file I find that our motion to dismiss and motion to strike was filed with the court on December 16, 1981, and a memorandum in support of the motions was filed on that same date.

I am enclosing copies of the

(continued from page 24)
motion, memorandum and cover letter herewith. We consider the issues to be adequately covered in the above memorandum and do not desire permission to file any further brief in this matter.

Very Truly Yours,

LeRoy L. Dalton, Asst.
Attorney General

LLD: bd
enclosures
cc: Mr. Francis R. Curry

(RESPONDENTS DID NOT FILE BRIEF AS ORDERED BY APPEALS COURT ON DECEMBER 23, 1982).

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, D. C. 20543

June 15, 1981

Mr. Frances R. Curry

3026-A North 21st Street

Milwaukee, Wi. 53206

Re: Frances R. Curry,

v. State Bar of Wisconsin

et al., No. 80-6577

Dear Mr. Curry:

The Court today entered the following order in the above entitled case: The petition for writ of certiorari is denied.

Very truly yours,

Alexander L. Stevas, Clerk

THE PETITIONERS ONLY FILED MOTION(1981) WITH THIS COURT SO WE WOULD NOT HAVE TO PAY THE LEGAL FEES FOR PROCESS SERVICE. THE U.S. MARSHALLS OFFICE AND COURT COSTS. WE PAID THE U.S. MARSHALL TO SERVE RESPONDENTS. ALL COPIES SHOULD BE IN PETITIONERS FILE. WE OUR FEES FOR THIS ACTION.

SUPREME COURT OF WISCONSIN

BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY,

John B. McCarthy, Administrator,

Michael G. Price Deputy Adm., Ph. (608) 266-9760

110 E. Main St., Madison, Wis. room 406

January 14, 1980

Victor A. Miller, Chrm. St., Nazianz, Wis. James H. Plier, Oconto, James J. Williamson, Oshkosh, Vice Chrm., Leonard V. Brady Milwaukee, Werner J. Schaeffer, Milwaukee, Robert P. Harland, Milwaukee, Marjorie Kinney, Superior, Mary Bowman, Madison, Courtland A. Sperger, Sr., Waupun.

****

Mrs. Frances Curry:
3026-A North 21st St.
Milwaukee, Wis. 53206

Dear Mrs. Curry:

Your correspondence with reference to a grievance has been received. I am the Chrm. of the Board of Attorneys Professional Responsibility, but the administration of the Board is under the direction of the

(continued from page 27).

office of the Administrator at 110 E.Main St., Suite 406, Madison, Wis., 53703 His powers are defined by Supreme Court Rules

I have, therefore, forwarded your correspondence to Madison to be made part of the file so that it may be PROCESSED under the regulations. Please be certain that it will have the concern of the Administrator's office, and the concern of the Board as the PROCESS may require.

Yours Truly,

VAM/ds Victor A. Miller

cc: Board of Attorneys
Professional Responsibility,
Madison, Wi.

cc: Attorney Richard J. Cayo, Professional Responsibility, Admin. Milwaukee, Wi.

(These respondents never processed petitioners grievances. This lawyer knew no PROCESSING was going to come, ever. Law- was commenced because of these falsehoods.

SUPREME COURT OF WISCONSIN
BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY, Room 204, 610 N. Jackson St., Milwaukee, Wis. 53202.

Richard Cayo
Staff counsel
Ph.414-224-4623

January 18, 1980

CONFIDENTIAL

Victor A. Miller, St. zianz, Wis.,Chrm. James H. Plier, Oconto, Wis., James J.Willamson, Oshkosh,Wi Vice Chairman, Leonard V. Brady, Milwaukee, Wis., Werner J. Schaeffer, Milwaukee, Wis., Robert P. Harland, Milwaukee, Wis., Marjorie Kinney, Superior, Wis., Mary Bowman, Madison, Wis., Courtland A. Sperger, Sr., Waupun, Wis.

Dear Bernard Freudenfeld
536 W. Wisconsin Ave.,
Milwaukee, Wis 53203

Re: Ms. Frances Curry

Dear Mr. Freudenfeld:

This office has received a complain against you submitted by the above referenced party Enclosed is a copy of Ms. Curry's complaint dated January 8, 1980.

(continued from page 29)

It is our policy to contact attorneys regarding grievances in which they are named. Our initial inquiries are not intended to lend credence to the complaint, and do not indicate that any judgment has been formed concerning the merits of those allegations.

Our purpose is to notify you of the existance of this complaint and to afford you an opportunity to provide a written response to it. Accordingly, I would appreciate receiving a letter from you setting forth all of the material facts in connection with this matter within ten days of the date of this correspondence. A copy of your response may be provided to Ms. Curry.

By copy of this letter to Ms. Curry, I acknowledge receipt of this complaint and assure her that she will be kept fully informed with respect to the status of my investigation.

The Supreme Court's Order and the Rules Governing Discipline of attorneys are reprinted in the December, 1976 and January, 1978 issues of the Wisconsin Bar Bulletin.

Should you care to discuss this matter with

(continued from page 30)

me before preparing your written resonse, please do not hesitate to contact me. Your anticipated cooperation is appreciated.

Very truly yours

Richard Cayo, Counsel

RC: bc
cc: Ms. Frances Curry

(THESE RESPONDENTS NEVER LOOKED AT THE RULES GIVEN BY THE WIS. SUPREME COURT. SEE RULES, REGULATIONS IN PETITIONERS BRIEF, EXHIBIT 34-49).

SUPREME COURT OF WISCONSIN

BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY. Room 204, 610 N. Jackson St. Milwaukee, Wis. 53202

Richard Cayo
Staff Counsel
Ph.414-224-4623

March 25, 1980

Victor A. Miller, St., Nazianz, Chairman, James H. Plier, Oconto, James J. Williamson, Oshkosh, Vice Chairman, Leonard V. Brady, Milwaukee, Werner J. Schaeffer, Milwaukee, Robert P. Harland, Milwaukee, Marjorie Kinney, Superior, Mary Bowman, Madison, Courtland A. Sperger, Sr., Waupun.

CONFIDENTIAL

Re: Attorney Bernard Freudenfeld.

Dear Ms. Curry:

Your complaint has been reviewed by the Board of Attorneys Professional Responsibility. It has approved my recommendation that the matter be dismissed. Accordingly, our file is closed.

(continued from page 32)

Thank you for bringing this matter to our attention. It is through the receipt of such information that we are made aware of practices which are of concern to the public.

Very truly yours,
Richard Cayo, Counsel

RC: rh
cc: Attorney Bernard Freudenfeld
536 W. Wisconsin Ave.
Suite 402
Milwaukee, Wi. 53203

THIS IS A CEASE AND DECIST ORDER. THAT MEANS PETITIONER CANNOT FILE IT AGAIN, EVER. AS YOU WILL NOTICE, THEY ONLY REVIEW ED PETITIONERS GRIEVANCE, NOT INVESTIGATED THEM).

STATE OF WIS. CIRCUIT COURT MILW.,COUNTY
CIVIL DIV.

FRANCIS R. CURRY,
3026-A N. 21st St., (Second and 3rd
Milwaukee, Wis. 53206 party case)
and George Taylor, 1706
McKinley Ave.
Jackson, Miss. 39203, SUMMONS
Plaintiffs
Case No.467-023
-vs-
BOYNTON CAB COMPANY, (There is no men
a domestic Corp., 1232 tion of the de-
N.Edison St., Milwaukee, fendants ins.
Wis. and Maurice Ford, 3171 CO. WHY)?
N. 6th St., Milwaukee, Wis.
53212.
Defendants

THE STATE OF WISCONSIN, To the above named defendants, and each of them:

You are hereby summoned and required to serve upon BERNARD N. FREUDENFELD, plaintiff's attorney, whose address is Suite 402,Carpenter Building, 536 W. Wisconsin Ave., Milwaukee, Wis. 53203, an answer to the complaint within twenty (20) days after service of this summons upon you, ex-

(continued from page 34)

clusive of the day of service, and in case of your failure so to do, Judgment will be rendered against you according to the demand of the complaint.

APPROVED BY:

FRANCES R. CURRY

Francis R. Curry, Plaintiff

Bernard M. Freudenfeld
Attorney for plaintiffs
Suite 402, Carpenter Building,
536 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203
Telephone: (414) 273-5774

COPY

FILED JULY 18, 1978 O O

FRANCIS X. McCORMACK, CLERK

STATE OF WIS: CIRCUIT COURT MILW.COUNTY
Civil Division

FRANCIS R. CURRY
3026-A N. 21 St St.
Milwaukee, Wis. 53206
and
GEORGE TAYLOR
1707 McKinley Ave.
Jackson, Miss. 39204
Plaaintiffs,

-vs-

BOYNTON CAB COMPANY
a domestic Corp.,
1232 N. Edison St., Milwaukee, Wis.53202
and Maurice Ford, 3171 N. &th St.,
Milwaukee, Wisconsin 53212
Defendants.

(no action was taken against defendants ins. Co. Why?)

COMPLAINT

Case No.467-023

Now comes the above-named plaintiffs, and each of them, by their attorney, BERNARD N. FREUDENFELD, and as for claims for relief against the named defendants, and each of them, allege and show to the court averments of claim as follows:

1. That the plaintiff, Francis R. Curry, is an adult natural present and

(continued from page 36)

domiciled in the State of Wisconsin, presently residing at 3026-A N. 21st St, in the City and County of Milwaukee, and is by occupation, employed by Oliver's Tap, and that at all times material to this action was not only the owner but also a passenger of a certain 1969 Blue Four Door pontiac-Catalina motor vehicle, 1978 Wisconsin License Number J 56-432, and;

2. That the plaintiff, George TAYLOR, is an adult natural person present and domiciled in the State Of Miss., presently residing at 1706 McKinley Ave., in the City of Jackson,
and that at all times material to this action, GEORGE TAYLOR, was a passenger of the above-described 1969 Blue-Four- Door pontiac- catalina motor vehicle; and,

O FILED O JULY 18, 1978.

FRANCIS X. McCORMACK, Clerk

(continued from page 37)

3. That upon information and belief, the defendant, BOYNTON CAB CO., is a domestic corp., duly organized and existing under the laws of the State of Wisconsin with its home office located at 1232 N. Edison Street, in the City and County of Milwaukee, and that at all times material to this action, said defendant was duly licensed to engage in, and in fact engaged in, the business of operatin a public taxi service for profit in the City and County of Milwaukee, State of Wisconsin; and,

4. That upon information and belief, the defendant, Maurice FORD, is an adult natural person residing at 3171 N. 6th Street, in the City and County of Milwaukee, State of Wisconsin, and that as an agent for the defendant, BOYNTON CAB Co., a domesic corp., he in fact operated a certain taxi cab, 1977 Wisconsin License Number N57-764, in the City and County of Milwaukee, State of Wisconsin; and,

5. That upon information and belief, at all times material to this action,

(continued from page 38)

the defendant, BOYNTON CAB CO., a domestic Corp., owned and operated a certain 1975 Chevrolet-Nova motor vehicle, 1977 Wisconsin License Number N57-764, as a taxi cab in the City and County of Milwaukee, State of Wisconsin; and,

6. That at about 12:15 A.M., on or about the 12th day of August, 1977, the defendant, Maurice FORD, While operating the above-described taxi cab in a southbound direction at or about 2903 N. 6th St., in the City and County of Milwaukee, State of Wis., then and there negligently caused said motor vehicle to strike the above-described 1969 Blue Four-Door Pontiac-Catalina motor vehicle, which was then and there occupied by the plaintiffs, FRANCIS R. CURRY and GEORGE TAYLOR, and,

7. That the defendant, BOYNTON CAB CO., a domestic Corp., by its agent, the defendant, MAURICE FORD, was then and there negligent in the operation of the above-described taxi cab in the following respects:

A. It operated said vehicle at an excessive rate of speed and failed to have

(continued from page 39)

regard for the actual and potential hazards which then existed and,

b. It failed to properly manage and control said vehicle; and,

c. It failed to maintain a proper lookout for for actual and potential hazards which then existed; and,

d. It failed to properly apply and use the brakes of a motor vehicle; and

e. It endangered the safety of the person and property of each of the plaintiffs; and,

f. It failed to exercise the care, prudence and practice of a reasonable person under the same or similar circumstances having due regard for the risk of harm to the plaintiffs, and each of them, to be free from unreasonable risk of injury; and

8. That the negligence of the defendant, BOYNTON CAB CO., a domestic Corp., and MAURICE FORD, was the direct and proximate cause of the injuries and damages of the plaintiffs, and each of them as more specifically set forth hereinafter; and

(continued from page 40)

9. That as a direct result of the above-described negligence of BOYNTON CAB CO., A DOMESTIC Corp., and its agent, MAURICE FORD, the plaintiff, FRANCIS R. CURRY, suffered injuries to her person consisting of acute low back strain, with tenderness in the lumbosacral area with pain over most of her body, with cramping discomfort in her left arm, lower back and buttock pain accompanied by discomfort with hyperextension and lateral bending, by reason of all of which plaintiff was incapacitated and prevented from performing her domestic, occupational and employment duties, from engaging in normal activities and functions to which she was accustomed,

and thereby suffered a loss of earning capacity as well as a loss of wages, and by reason of said collision, plaintiff sustained property damage to her above-described motor vehicle, by reason of all of which her enjoyment of life was greatly diminished and she was forced to incur expenses and obligations of hospital and medical care, all to her damage in the sum of fifteen thousand ($15,000-00) dollars; and,

(continued from page 41)

10. That as a direct result of the above-described negligence of BOYNTON CAB CO., a domestic Corp., and its agent, MAURICE FORD, the plaintiff, GEORGE TAYLOR, suffered injuries to his person, and by reason of said injuries, plaintiff was incapacited and prevented from performing his occupational and domestic duties, from engaging in normal activities and functions to which he was accustomed and thereby suffered a loss of earnings capacity, by reason of all of which his enjoyment of life was greatly diminished and was forced to incur expenses and obligations of hospital and medical care, all to his damage in the sum of Five Thousand ($5,000.00) dollars; and,

Wherefore, plaintiffs, and each of them, pray that Judgment may be rendered and entered against the defendants, and each of them, in favor of the plaintiffs, and each of them , granting such relief as the Court may determine each plaintiff to be entitled, and in the event defendants, and each of them,

(continued from page 42)

in a sum not to exceed Fifteen ($15,000.-00) dollars for for FRANCIS R. CURRY, and a sum not to exceed Five thousand ($5,00.00) dollars for GEORGE TAYLOR, together with costs, disbursements, attorneys fees and such relief as the Court may determine to be just and equitable.

Dated this 12 day of July, 1978 at Milwaukee, Wisconsin.

Bernard N. Freudenfeld, Attorney for plaintiffs

P.O. ADDRESS:
Suite 402, Carpenter Building,
536 W. Wisconsin Ave., Milwaukee, Wis.
53203. Telephone (414) 273-5774.

DEMAND FOR JURY TRIAL

NOW COMES the above-named plaintiffs, and each of them, and demands a trial by jury pursuant to Section 805.01(2), Wis. Stat.

Bernard N. Freudenfeld, Attorney for plaintiffs

STATE OF WISCONSIN, MILWAUKEE COUNTY

I, the undersigned, Clerk of the Cir. and

(continued from page43)

County Court of Milwaukee County, Wisconsin, do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office. In IN TESTIMONY WHEREOF, I have hereunto set MY hand and affixed the seal of said Court, this JANUARY 8, 1980.

date

FRANCIS X. McCORMACK, Clerk of Circuit Court, and Director of Court Services.

BURKE AND SCHOLT
ATTORNEYS AT LAW
MILWAUKEE, WIS.,

STATE OF WIS. CIRCUIT COURT MILW., COUNTY
CIVIL DIVISION

FRANCES R. CURRY AND
GEORGE TAYLOR,

CASE NO. 467-023

Plaintiffs,

vs.

Boynton CAB CO.
A domestic Corp.,,
and MAURICE FORD,
Defendants.

STIPULATION AND
JUDGMENT DISMISSING
ACTION

IT IS HEREBY STIPULATED by and between the above named parties, by their respective attorneys, that the above entitled action may be dismissed on its merits without costs to either party,
and that a judgment may be entered to that effectoct without further notice to either party.

Dated at Milwaukee, Wisconsin, June 5th, 1979.

BERNARD N. FREUDENFELD, Attorney for plaintiffs.

COPY

(continued from page 45)

FILED June 7, 1979. FRANCIS MCCORMACK,
Clerk

BURKE AND SCHOETZ, by John J.Burke,
Attorney for Defendant Boyanton Cab
Co. only.

Upon the foregoing Stipulation,
IT IS HEREBY ADJUDGED that the above entitled action be dismissed on its merits without costs to either party.
Dated at Milwaukee, Wis., June 7, 1979.

By THE COURT: Louis Ceci
Circuit Judge

215
2447

(Plaintiff knew nothing of this illegal Action).